

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ABBOTT LABORATORIES, )  
                          )  
Plaintiff,            )  
                          ) Case No. 18-6907  
v.                    )  
                          ) Judge Charles P. Kocoras  
BLAYNE FLECK,        )  
                          )  
Defendant.            )  
                          )

**ABBOTT LABORATORIES' MOTION FOR A TEMPORARY  
RESTRANDING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Abbott Laboratories (“Abbott”), by and through its attorneys, moves this Court to enter a Temporary Restraining Order and a Preliminary Injunction containing the provisions set forth below. In support of its Motion, Abbott incorporates its supporting Memorandum of Law, which sets forth in detail that:

1. Abbott respectfully moves for a temporary restraining order and preliminary injunction restraining Defendant Blayne Fleck (“Fleck”) from: (a) violating the terms of his Employee Agreement (the “Agreement”), including all restrictions and covenants set forth therein; (b) working for a competitor, including Nevro Corp., and/or in competition with Abbott, in accordance with the terms of the Agreement; and (c) using or disclosing Abbott’s confidential and proprietary information. Abbott also requests that Fleck immediately return all Abbott property in his possession.

2. Abbott is likely to succeed on the merits of its breach of contract claim against Fleck for violation of the non-competition and non-disclosure provisions of the Agreement, as well as its Illinois Trade Secrets Act and Defend Trade Secrets Act of 2016 claims for misappropriation

or threatened misappropriation of Abbott's trade secrets. Abbott has no adequate remedy at law, and Abbott will suffer immediate and irreparable harm absent a temporary restraining order and preliminary and permanent injunctive relief.

3. The relief sought through this Motion will not cause undue hardship to Fleck and will only require him to abide by his contractual, statutory and common law obligations. The relative balance of the harms weighs in favor of granting the requested relief, and the entry of a temporary restraining order and further injunctive relief will serve the public interest.

WHEREFORE, for these and the reasons set out more fully in Abbott's supporting Memorandum of Law, Abbott prays that a temporary restraining order be entered in the form accompanying this Motion, and that preliminary injunctive relief be granted thereafter.

Dated: October 15, 2018

Respectfully submitted,

/s/ Ronald S. Safer

Ronald S. Safer, ARDC # 6186143  
Harnaik Singh Kahlon, ARDC # 6280309  
Mariangela M. Seale, ARDC # 6293433  
Tal C. Chaiken, ARDC # 6308729  
RILEY SAFER HOLMES & CINCILA LLP  
70 W. Madison Street, Suite 2900  
Chicago, Illinois 60602  
Phone: 312-471-8700  
Fax: 312-471-8701  
Email: [rsafer@rshc-law.com](mailto:rsafer@rshc-law.com)  
[nkahlon@rshc-law.com](mailto:nkahlon@rshc-law.com)  
[mseale@rshc-law.com](mailto:mseale@rshc-law.com)  
[tchaiken@rshc-law.com](mailto:tchaiken@rshc-law.com)

*Attorneys for Plaintiff Abbott Laboratories*